

FENNEMORE CRAIG, P.C.  
 Cathy L. Reece (AZ Bar No. 005932)  
 Anthony W. Austin (NV Bar No. 010850)  
 2394 E. Camelback Rd., Ste. 600  
 Phoenix, AZ 85016-3429  
 Telephone: (602) 916-5343  
 Facsimile: (602) 916-5543  
 Email: [creece@fclaw.com](mailto:creece@fclaw.com)  
[aaustin@fclaw.com](mailto:aaustin@fclaw.com)

*Attorneys for The Northern Trust Company*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re	Chapter 11
DESERT OASIS APARTMENTS, LLC,	Case No.: BK-S-18-12456-GS
Debtor.	

**EX PARTE MOTION FOR ORDER SHORTENING TIME TO HEAR MOTION  
 TO ALLOW VOTE ON CHAPTER 11 TRUSTEE KAVITA GUPTA'S JOINT  
 PLAN OF LIQUIDATION**

The Northern Trust Company ("Northern Trust"), by and through the undersigned counsel, hereby submit its ex parte application (the "Ex Parte Application") seeking entry of an order shortening time to hear the Motion to Allow Vote on Chapter 11 Trustee Kavita Gupta's Joint Plan of Liquidation [DE XXX] (the "Motion") substantially in the form attached hereto as **Exhibit A**. This Ex Parte Application is made based upon Fed. R. Bankr. Proc. 9006, the following memorandum of points and authorities, the Declaration of Anthony W. Austin, Esq. filed contemporaneously herewith, the Attorney Information Sheet filed contemporaneously herewith, and the papers and pleadings on file herein, judicial notice of which is respectfully requested.

**I. Legal Argument**

Federal Rule of Bankruptcy Procedure 9006(c)(1) permits a Bankruptcy Court, for cause shown and in its discretion, to reduce the period during which any notice is given. Bankruptcy Rule 9006(c)(1) provides as follows:

1 Except as provided in paragraph (2) of this subdivision, when  
 2 an act is required or allowed to be done at or within a  
 3 specified time by these rules or by a notice given thereunder  
 4 or by order of court, the court for cause shown may in its  
 discretion with or without motion or notice order the period  
 reduced.

5 Local Rule 9006 provides further authority for shortening the time for a hearing.  
 6 According to Local Rule 9006(b), every motion for an order shortening time must be  
 7 accompanied by a Declaration stating the reasons for an expedited hearing. As set forth in  
 8 the Austin Declaration, there are compelling reasons to hear the Motions on August 6,  
 9 2020.

10 Local Rule 9006 requires the moving party to submit an Attorney Information  
 11 Sheet indicating whether opposing counsel was provided with notice, whether opposing  
 12 counsel consented to the hearing on an order shortening time, the date counsel was  
 13 provided with notice and how notice was provided or attempted to be provided. An  
 14 Attorney Information Sheet has been filed contemporaneously with this Ex Parte  
 15 Application.

16 This Application seeks to set the Motion for hearing on shortened time so that  
 17 Northern Trust can vote on the Trustee's proposed Joint Plan of Liquidation [DE 239].  
 18 The Plan as proposed declares, improperly, that Northern Trust is unimpaired and  
 19 therefore cannot vote on the Plan. As set forth in Northern Trust's Objection to  
 20 Disclosure Statement for Chapter 11 Trustee Kavita Gupta's Joint Plan of Liquidation and  
 21 Confirmation of the Joint Plan of Reorganization [DEXX], the Plan impairs Northern  
 22 Trust's legal, equitable, and contractual rights and therefore Northern Trust is entitled to  
 23 vote on the Plan.

24 This Court currently has the confirmation hearing pending on March 11, 2021 at  
 25 1:30 p.m. Due to the relatedness of the matters, Northern Trust requests the Court set the  
 26 hearing on the Motion March 11, 2021 at 1:30 p.m.. with any response due on or before  
 27 March 4, 2021 and any reply due March 9, 2021. Northern Trust anticipates that any  
 28

1 hearing would require approximately fifteen (15) minutes and will be substantially similar  
2 to the other matters set to be heard on March 11, 2021.

3 WHEREFORE, Northern Trust respectfully requests that the Court grant this Ex  
4 Parte Application and issue an order shortening time to hear the Motion on March 11,  
5 2021, and for such other and further relief as the Court deems just and proper.

6 Dated: February 25, 2021

**FENNEMORE CRAIG, P.C.**

7  
8 By: /s/ Anthony W Austin

9 Cathy L. Reece (AZ Bar No. 005932)

10 Anthony W. Austin (010850)

*Counsel for The Northern Trust Company*

11 COPY of the foregoing served by  
12 E-mail/ECF Notice this 25th day of  
February, 2021 upon:

13 Edmund M. McDonald

Edmund Gee

14 U.S Trustee's Office-LV-11,11

[Edward.m.mcdonald@usjod.gov](mailto:Edward.m.mcdonald@usjod.gov)

15 [Edmund.gee@usdoj.gov](mailto:Edmund.gee@usdoj.gov)

16 Jamie P. Dreher

Downey Brand LLP

17 [jdreher@downeybrand.com](mailto:jdreher@downeybrand.com)

[reno@downeybrand.com](mailto:reno@downeybrand.com)

18 *Attorneys for the Gonzales Trust*

19 Mark Wray

Law Office of Mark Wray

20 [mwrap@markwraylaw.com](mailto:mwrap@markwraylaw.com)

[tmoore@markwraylaw.com](mailto:tmoore@markwraylaw.com)

21 [Fischerlawcal@aol.com](mailto:Fischerlawcal@aol.com)

22 *Attorneys for the Gonzales Trust*

23 Kevin W. Coleman

Kimberly S. Fineman

24 Christopher Hart

Nuti Hart, LLP

25 [kcoleman@nutihart.com](mailto:kcoleman@nutihart.com)

[kfineman@nutihart.com](mailto:kfineman@nutihart.com)

26 [chart@nutihart.com](mailto:chart@nutihart.com)

*Attorneys for Kavita Gupta, Trustee*

27 Talitha B. Gray Kozlowski

28 GTG, LLP

1 [tgray@gtg.legal](mailto:tgray@gtg.legal)  
2 *Attorneys for Kavita Gupta, Trustee*

3 Jeffrey I. Golden  
4 [jgolden@wglp.com](mailto:jgolden@wglp.com)  
5 *Trustee of Desert Land*

6 Jerrold L. Bregman  
7 Steven T. Gubner  
8 Susan K. Seflin  
9 Brutzkus Gubner  
10 [jbregman@bg.law](mailto:jbregman@bg.law)  
11 [sgubner@bg.law](mailto:sgubner@bg.law)  
12 [sseflin@bg.law](mailto:sseflin@bg.law)  
13 *Attorneys for Trustee of Desert Land*

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
/s/ Gidget Kelsey

# EXHIBIT

# A

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re  DESERT OASIS APARTMENTS, LLC,  <div style="text-align: center;">Debtor.</div>	Chapter 11  Case No.: BK-S-18-12456-GS  Hearing Date: Hearing Time:
--	--

**ORDER SHORTENING TIME TO HEAR MOTION FOR ORDER SHORTENING  
 TIME TO HEAR MOTION TO ALLOW VOTE ON CHAPTER 11 TRUSTEE  
 KAVITA GUPTA'S JOINT PLAN OF LIQUIDATION**

The Court having reviewed and considered the Ex Parte Application for Order Shortening Time to Hear Motion to Allow Vote on Chapter 11 Trustee Kavita Gupta's Joint Plan of Liquidation (the "Ex Parte Application For Order Shortening Time"), and other good cause appearing,

IT IS HEREBY ORDERED that the Ex Parte Application for Order Shortening Time is granted.

IT IS FURTHER ORDERED that the Motion to Allow Vote on Chapter 11 Trustee Kavita Gupta's Joint Plan of Liquidation ("Motion") shall be heard on the 11th day of March, 2021, at the hour of 1:30 p.m. in the Foley Federal Building, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101;

IT IS FURTHER ORDERED that the Motion, together with any supporting documents, and this Order Shortening Time shall be served no later than one business day after the entry of this Order Shortening Time;

1 IT IS FURTHER ORDERED that any opposition to the Motion shall be served and  
2 filed no later than 5:00 p.m. on the 4<sup>th</sup> day of March, 2021; and

3 IT IS FURTHER ORDERED that any Reply in support of the Motion shall be  
4 served and filed no later than 5:00 p.m. on the 9<sup>th</sup> day of March, 2021.

5 IT IS SO ORDERED.  
6  
7  
8  
9

10 Prepared and Submitted By:  
11 **FENNEMORE CRAIG, P.C.**

12 By: /s/ Anthony W. Austin  
13 Cathy L. Reece  
14 Anthony W. Austin  
15 *Attorneys for The Northern Trust Company*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28